

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SANFORD F. YOUNG,

Plaintiff, C.A. No: 08-cv-5402

v.

**ANSWER OF DEFENDANT,  
TRANS UNION LLC**

EXPERIAN INFORMATION SOLUTIONS, INC.,  
*et al.*,

Defendants.

-----X

Trans Union LLC (“Trans Union”), improperly pled as Transunion Credit Bureau,  
Answers Plaintiff’s Complaint as follows:

**INTRODUCTION/JURISDICTION**

1-3. Denies the allegations of paragraphs 1-3 of the Complaint.

4. This Court has jurisdiction for the reasons and authorities set forth in Notice of  
Removal filed by Experian Information Solutions, Inc.

**PARTIES**

5. Denies the allegations of paragraph 5 of the Complaint. The term “principal place  
of business” applies to a corporate entity, not a natural person.

6-8; 10-12. No responsive pleading required for allegations directed toward third  
parties, as alleged in paragraphs 6-8; 10-12 of the Complaint.

7; 13. Denies the allegations of paragraphs 7; 13 of the Complaint, except admits Trans  
Union is a Delaware Limited Liability Company with its principal place of business in Illinois,  
that it conducts, and is duly authorized to conduct, business in New York, and that it is a

“consumer reporting agency” as defined by the Fair Credit Reporting Act 15 U.S.C. §1681 *et seq.* (the “FCRA”).

### **FIRST CAUSE OF ACTION**

14. Repeats and realleges each and every response to paragraphs 1-13 of the Complaint as if set forth at length herein.

15-21. Denies the allegations of paragraphs 15-21 of the Complaint and further denies knowledge or information sufficient to form a belief as to the truth of the allegations, except admits that a judgment was entered in the Supreme Court of New York, County of New York, Index No. 111675/06 in favor of Plaintiff and against the City of New York.

22. Denies knowledge or information sufficient to form a belief as to the truth of the allegations, except denies that Plaintiff purchased a copy of his credit file from Trans Union on March 28, 2008.

23-24. Denies the allegations of paragraphs 23-24 of the Complaint, except admits that Trans Union accurately reported the status of the New York County Clerk’s Office Judgment Docket, at Docket #: 2287627, which listed a judgment entered in favor of the City of New York and against Plaintiff. *Exhibit A* hereto.

25-31. Denies the allegations of paragraphs 25-31 of the Complaint, except admits Trans Union received a letter of dispute from Plaintiff on April 11, 2008, that Trans Union reinvestigated Plaintiff’s dispute and deleted the disputed judgment from Plaintiff’s file, and that Trans Union notified Plaintiff of the results of the reinvestigation on Monday, May 12, 2008, in accordance with the FCRA and all applicable laws.

32-53. Denies the allegations of paragraphs 32-53 of the Complaint and further denies causing Plaintiff any harm for which he is entitled to relief.

## **SECOND-FIFTH CAUSES OF ACTION**

54-67. Repeats and realleges each and every response to paragraphs 1-53 as if set forth at length herein. Denies the allegations of the Second through Fifth Causes of Action, paragraphs 54-67 of the Complaint.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

### **FIRST DEFENSE**

The complaint fails to state a claim for which relief may be granted.

### **SECOND DEFENSE**

Defendant Trans Union has, at all material times with respect to plaintiff, acted in good faith and complied fully with the FCRA and relevant state laws. Trans Union is entitled to rely on the judgment docket in initially reporting the judgment. Following Plaintiff's dispute, Trans Union deleted the judgment from Plaintiff's credit file, in accordance with the FCRA and all applicable laws.

### **THIRD DEFENSE**

Based upon the averments upon which Plaintiff's claim is made, defendant Trans Union is immune from suit under the FCRA.

### **FOURTH DEFENSE**

Any harm suffered by Plaintiff was not caused by any act or omission of defendant Trans Union. Any harm suffered by Plaintiff was caused by Plaintiff's own conduct or the conduct of third parties over which Trans Union has no control or authority.

**FIFTH DEFENSE**

Plaintiff is not entitled to injunctive relief.

**SIXTH DEFENSE**

With respect to Plaintiff, Trans Union's conduct and the alleged communications were entirely privileged and/or true.

**SEVENTH DEFENSE**

Plaintiff did not purchase any good or service from Trans Union in reliance upon any misrepresentation of Trans Union.

**EIGHTH DEFENSE**

The claims contained in the complaint, which seek to recover punitive damages, violate the Fourth, Fifth, Sixth, Eighth and Fourteenth Amendments to the Constitution of the United States of America.

WHEREFORE, Defendant Trans Union LLC demands judgment dismissing Plaintiff's complaint with prejudice, and awarding it such additional relief as the Court deems just and proper.

Respectfully submitted,

KOGAN, TRICHON & WERTHEIMER, P.C.

/s/ Timothy P. Creech

TIMOTHY P. CREECH (TC-7732)

1818 Market St., 30th Floor

Philadelphia, PA 19103

(215) 575-7618; Fax: (215) 575-7688

Email: tcreech@mstkw.com

*Counsel for Defendant,*

*Trans Union LLC*

DATED: July 21, 2008

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SANFORD F. YOUNG,

Plaintiff, C.A. No: 08-cv-5402

v.

**CERTIFICATE OF SERVICE**

EXPERIAN INFORMATION SOLUTIONS, INC.,  
*et al.*,

Defendants.

-----X

TIMOTHY P. CREECH, Esq., hereby certifies that he caused a true and correct copy of  
the foregoing Trans Union LLC's Answer to be sent on this date, *via* the Court's ECF Notice  
System, to the following:

Sanford F. Young, Esq.  
Law Offices of Sanford F. Young, P.C  
(212)-227-9755; Fax: (212)-732-4157  
Email: [sanfordy@aol.com](mailto:sanfordy@aol.com)  
*Counsel for Plaintiff*

Tuukka Daniel Hess, Esq.  
Jones Day (NYC)  
222 East 41st Street  
New York, NY 10017  
(212) 326-3407; Fax: (212) 755-7306  
Email: [thess@jonesday.com](mailto:thess@jonesday.com)  
*Counsel for Experian Information Solutions,  
Inc.*

Brian J. Olson, Esq.  
King & Spalding LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309-3521  
(404) 215-5806; Fax: (404) 572-5100  
Email: [bjolson@kslaw.com](mailto:bjolson@kslaw.com)  
*Counsel for Equifax, Inc.*

/s/ Timothy P. Creech  
TIMOTHY P. CREECH

DATED: July 21, 2008

USER: NEWYORK COUNTY CLERKS OFFICE - NEW YORK DATE: 06/20/2008  
TERM: PE91 JUDGMENT DOCKET & LIEN BOOK SEARCH SUMMARY TIME: 11:25:06  
INQUIRY SELECTION: \_

DEL	DEBTOR NAME ADDRESS	CREDITOR NAME ATTORNEY NAME	BK/DOCK DATE AMOUNT	CONTROL NO. SATISFY
1	YOUNG	SANFORD F	CITY OF NEW YORK DEPA JDB 06/28/2007	002287627 01
78	KETCH ROAD	SANFORD F YOUNG PC	\$695.24	
			INDEX NUMBER: 111675/06	

PRESS: PF1 - HELP, PF2 RETURN PF7 - SCR UP, PF8 - SCR DOWN ENTER - SELECT

USER: NEWYORK COUNTY CLERKS OFFICE NEW YORK  
TERM: PE91 JUDGMENT DOCKET BOOK INQUIRY  
CONTROL NUMBER : 002287627 - 01

DATE: 06/20/2008  
TIME: 11:25:11

\*\*\* DOCKETING DATA \*\*\*  
DOCKETING DATE: 06/28/2007  
TIME: 12:11:00

EFFECTIVE DATE: 06/28/2007  
TIME: 12:11:00

CLERK/SEQ # : RPERKINS 010

\*\*\* SOURCE DOCUMENT \*\*\*

TYPE: J JUDGMENTS

COUNTY: 31 NEW YORK

COURT: S SUPREME COURT

TOTAL DEBTORS: 01 UPDATED: N

INDEX NUMBER: 111675/06

\*\*\* DEBTOR/CORPORATION \*\*\*

NAME FORMAT I : YOUNG, SANFORD F

ADDRESS NUMBER: 78 STREET: KETCH ROAD

CITY : MORRISTOWN NJ

ZIP CODE: 07960

OCCUPATION :

\*\*\* CREDITOR \*\*\*

NAME FORMAT C : CITY OF NEW YORK DEPARTMENT OF FINANCE

ADDRESS NUMBER: 66 STREET: JOHN STREET

CITY : NEW YORK NY

ZIP CODE: 10038

AMOUNT: \$695.24

INTERIM DISPOSITION:

ENTER CONTROL NUMBER FOR NEXT INQUIRY

PRESS: PF1- HELP, PF2- CANCEL INQUIRY PF8- 2ND PAGE DATA, ENTER- INQUIRE RECORD

USER: NEWYORK COUNTY CLERKS OFFICE - NEW YORK  
TERM: PE91 JUDGMENT DOCKET AND LIEN BOOK SYSTEM  
REMARKS INQUIRY

DATE: 06/20/2008  
TIME: 11:25:15  
LAST PAGE: 0001

BOOK TYPE: 01

CONTROL NUMBER: 002287627 - 01

DATE	REMARKS
06282007	DEBTOR: CITY OF NEW YORK DEPARTMENT OF FINANCE PARKING VIOLATIONS
06282007	ADJUDICATIONS

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JUDGMENT DOCKET INQUIRY CONTINUED  
CONTROL NUMBER : 002287627 - 01

\*\*\* CREDITOR ATTORNEY \*\*\*

NAME      FORMAT C      : SANFORD F YOUNG PC  
ADDRESS    NUMBER: 225      STREET: BROADWAY SUITE 2008  
            CITY    : NEW YORK NY      ZIP CODE: 10007  
\*\*\* SATISFACTION DATA \*\*\*

TYPE:

DATE:      /      /

SHERIFF'S EXECUTION:

OPERATOR ID:

REMARKS: Y      (Y OR N)

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